

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 408 of 2021**

1. Buntty Sahu @ Baleshwar S/o Late Sunil Sahu Aged About 30 Years R/o Shiv Nagar, Handipara, Raipur, Tahsil And Distt. Raipur (Chhattisgarh).
 2. Sonu Sahu @ Chaman Sahu S/o Mohan Sahu Aged About 20 Years R/o Shiv Nagar, Handipara, Raipur, Tahsil And Distt. Raipur (Chhattisgarh),
- Applicants**

Versus

- State of Chhattisgarh through The Station House Officer, Police Station Azad Chowk, Raipur (Chhattisgarh), District : Raipur, Chhattisgarh

---- Non-applicant

For Applicants : Mr. Anuroop Pandey, Advocate.

For State : Mr. Vaibhav Singh, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya**Order on Board****23-02-2021**

1. The applicants have preferred this first bail application under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail as they have been arrested in connection with Crime No. 240 of 2020 registered at Police Station Azad Chowk, Raipur, District Raipur (CG) for the offence punishable under Sections 294, 323, 506 & 307, 34 of IPC.
2. The case of the prosecution, in brief, is that the complainant lodged a report against the present applicant in Police Station stating therein that he purchased shoes valuing Rs.2500/- to one Waqar. When the complainant asked Waqar to return the amount, he has not paid the

same and on 2-11-2020 at about 10.30 am Waqar called him near Shiv Mandir, Bajrang Nagar on the pretext of returning the amount. When the complainant reached there, the accused persons abused and assaulted him by cricket bat, as a result of which complainant sustained injuries, thereby the aforesaid offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case, the injuries sustained by the victim are simple in nature and the victim was discharged from hospital within four days. He would further submit that there is no direct evidence to connect the applicants with the crime in question, except present one, applicants have no other criminal antecedents, charge sheet has been filed, they are in jail since 1-12-2020, and conclusion of the trial is likely to take some time, therefore they may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application. However, he submits that except present one, applicants have no other criminal antecedents.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, looking to the age of the applicants, nature of injuries sustained by the victim, the fact that the victim was admitted in hospital and was discharged from the hospital within four days, detention period of the applicants, charge-sheet has been filed and there is no likelihood of the applicants tampering with evidence of absconding as admitted by both the parties and that conclusion of trial may take some time, without commenting

anything on merits of the case, I am of the opinion that it is a fit case to grant bail to the applicant.

7. Accordingly, the application is allowed and it is directed that the applicants shall be released on bail on each of them executing a personal bond for a sum of Rs.50,000/- with two sureties of Rs.25,000/- each to the satisfaction of the concerned trial Court. They shall appear before the trial Court on each and every date given by the said trial court, till disposal of the trial. The applicants are being granted bail on the following conditions:

- i. they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such fact to the Court,
- ii. they shall not act in any manner which will be prejudicial to fair and expeditious trial,
- iii. they shall appear before the trial Court on each and every date given to them by the said Court till disposal of the trial, and
- iv. they shall not involve themselves in any offence of similar nature in future or else this order granting bail to the applicant shall automatically stand cancelled without further reference to this court.

Sd/-

(Gautam Chourdiya)
Judge

Raju